In the High Court of Judicature at Madras

Dated: 03.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.11462 of 2002

Rajendra R. Mehta ..Petitioner

..vs..

1. State of Tamil Nadu,
   rep.by the Secretary to Government
   Housing & Urban Development Department,
   Secretariat,
   Fort St.George,
   Chennai-600 009.

2. The Member Secretary,
   Chennai Metropolitan
   Development Authority,
   No.8, Gandhi Irwin Road,
   Egmore, Chennai-600 008. ..Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration declaring that the provisions of Rule 19(b)(III-(B) of the Development Control Rule and Rule 13 of the Special Rules for Multi storied Building as ultra vires, illegal unconstitutional and unenforceable in so far as it relates to levy and collection of Security deposit for proposed development and consequently direct the respondents to issue Planning permission for proposed development of Stilt parking floor + 4 Floors residential building in four blocks with 140 dwelling units at Vembuliamman Koil Street, T.S.No.67,69,70 & 71/2 Block No.36, Virugambakkam, Chennai without insisting on security deposit for proposed development as contained int he letter 28.3.2002 in Lr.No.B2/38898/2001 of the second respondent.

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For Petitioner : Mr. Satish Parasaran

For Respondents : Mr. K. Elango
Spl. Govt., Pleader for R1
Mr.J.Ravindran for R2

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Learned counsel for the petitioner seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioner is free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government,
Housing & Urban Development Department,
Chennai-600 009.

2. The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Chennai-600 008.

1 cc to Mr.J.Ravindran, Advoate, sr. 827
1 cc to Satish Parasaran, Advoate, sr. 679

Writ Petition No.11462/02

NA (CO)
kk 1/2

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